

**U.S. Department of Labor
Office of the Solicitor**

201 Varick Street, Room 983
New York, NY 10014



Reply to the Attention of: Megan J. Harris, Trial Attorney
(646) 264-3657 (direct dial)
Harris.Megan.J@dol.gov

June 15, 2020

VIA ELECTRONIC FILING

Honorable John L. Sinatra, Jr., U.S.D.J.
United States District Court
Western District of New York
2 Niagara Square
Buffalo, New York 14202

RE: Secretary of Labor v. Zetti's Maple, Inc. and John Fusco
Docket No. 1:20-MC-00011-JLS

Dear Judge Sinatra:

We represent the U.S. Secretary of Labor (the "Secretary"), Petitioner in the above-referenced matter. On April 8, 2020, the Secretary filed a Motion to Compel Production of Documents (the "Motion to Compel"), pursuant to an administrative subpoena *duces tecum*. On April 27, 2020, service to Respondents Zetti's Maple, Inc. and John Fusco was complete (see Affidavit of Service, ECF Doc No. 6). Pursuant to L.R.Civ.P. 7(b)(2), responding papers were due no later than May 11, 2020. The Secretary sent Respondents attached letter on May 21, 2020, asking Respondents to inform the undersigned whether they intended to file a response. To date, Respondents have not contacted us and over a month has passed since opposition was due. The Secretary respectfully requests that the Court grant the Motion to Compel as unopposed. Thank you for your attention to this matter.

Respectfully,

Jeffrey S. Rogoff,
Regional Solicitor

By: /s/ M.J. Harris
Megan J. Harris
Trial Attorney

attachment

c: John Fusco (via regular mail)

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May 21, 2020

VIA REGULAR MAIL

John Fusco
Zetti's Pizza and Pasta
4621 Maple Road
Buffalo, New York 14226

RE: Secretary of Labor v. Zetti's Maple, Inc. and John Fusco
United States District Court, Western District of New York
Docket No. 1:20-MC-00011-JLS

Dear Mr. Fusco:

I represent the U.S. Secretary of Labor in the above-referenced matter. On April 27, 2020, you were served with the Secretary of Labor's Motion to Compel Production of Documents (the "Motion to Compel"), requesting that the U.S. District Court intervene in obtaining records the Department of Labor ("DOL") subpoenaed from you and Zetti's Maple, Inc. on December 5, 2019. A response to the Motion to Compel on behalf of you and Zetti's was due no later than May 11, 2020.

Please promptly contact me by phone (646-264-3657) or e-mail (harris.megan.j@dol.gov) to inform me whether you intend to file a response with the Court. I would be glad to discuss a resolution if you are prepared to provide a full response to the December 5, 2019 Subpoena. If I have not heard from you by May 29, 2020, we will continue to pursue all available relief with the District Court. Thank you.

Sincerely yours,

Jeffrey S. Rogoff,
Regional Solicitor

By: /s/ M.J. Harris
Megan J. Harris
Trial Attorney